

AMENDED IN SENATE MARCH 27, 2007

SENATE BILL

No. 762

Introduced by Senator Cox
(Coauthor: Assembly Member Berryhill)

February 23, 2007

An act to add Section 23826.9 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Cox. Alcoholic beverages: licenses.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided.

This bill would provide an exception to this limitation for a county of the 56th class, as specified. The bill makes legislative findings and declarations regarding the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23826.9 is added to the Business and
- 2 Professions Code, to read:
- 3 23826.9. (a) Notwithstanding any other provision of this
- 4 chapter, in any county of the 56th class, the department may issue

1 10 additional new original on-sale general licenses for bona fide
2 public eating places. Any premises to qualify for a license under
3 this section shall have a seating capacity for ~~100~~ 50 or more diners.
4 In no event shall more than 10 on-sale general licenses for bona
5 fide eating places be issued under this section.

6 (b) In issuing the licenses provided for in this section, the
7 department shall follow the procedure set forth in Section 23961.

8 (c) Nothing in this chapter shall prohibit a person who currently
9 holds a valid on-sale general license for seasonal business from
10 applying for an original on-sale general license pursuant to this
11 section.

12 (d) A license issued under this section shall not be transferred
13 from one county to another nor shall it be transferred to any
14 premises not qualifying under this section.

15 SEC. 2. The Legislature finds and declares that, because of the
16 unique circumstances of the economy of the county of the 56th
17 class specified in Section 1, that are applicable only to the county
18 of the 56th class, a statute of general applicability cannot be enacted
19 within the meaning of subdivision (b) of Section 16 of Article IV
20 of the California Constitution, and, therefore, this special statute
21 is necessary.